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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,966	01/18/2002	Mu-III Lim	CP-1230	3345
27752	7590	08/23/2004	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			CHANNAVAJJALA, LAKSHMI SARADA	
			ART UNIT	PAPER NUMBER
			1615	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/052,966

Applicant(s)

LIM ET AL.

Examiner

Lakshmi S Channavajjala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-3,5-9 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) 11-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-3, 5-9 are considered for examination. Claims 4 and 10 have been canceled. Claims 11-24 are withdrawn.

The following rejection from previous action has been maintained:

Claim Rejections - 35 USC § 102

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Molodykh et al (Database CAPLUS on STN submitted on PTO-1449).

Molodykh discloses 1,3-benzenediol derivatives containing a piperidinylmethyl group and thus meet the requirement of claims 1, 2 and 4. In particular, claim 4 recites R1 and R2 together with a nitrogen atom to which they are attached form a piperidine ring, which is also disclosed by Molodykh et al (structure of the compound in the abstract).

RESPONSE:

Applicants argue that in view of the present amendment to claim 1, piperidine is not included in the claim. However, instant amendment to claim 1 shows that even though the possibility of forming a C6 ring is excluded by deleting C6, the last two lines of claim 1 once again allows for a C6 ring saturated or unsaturated and containing an additional hetero atom selected from O, S and N atoms. Accordingly, the claimed compounds include a piperidine attachment. Applicants have admitted that the cited reference teaches a benzenediol with a piperidine attachment and therefore, the rejection has been maintained.

The following is a new rejection:

Claim Rejections - 35 USC § 103

Claims 1-3, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,645,771 to Mills.

Mills teaches benzyl tetrahydropyridine compounds having a structural formula I (col. 1, lines 30-67), wherein the variables R2-R6 on ring A stand for hydrogen, halogen, HYDROXY, alkyl or alkoxy radicals and R1 is a hydrogen or an alkyl radical. Mills also states that R2 and R6 can be hydroxy radicals, with the remainder variables being hydrogen (col. 2, lines 17-22). In particular, Mills suggests 2,6-dihydroxy substitution (col. 2, line 64) on the A ring. Mills does not specifically teach or exemplify the claimed compounds. However, Mills suggests preparation of various derivatives, including the specific dihydroxy derivatives of pyridines that include the claimed compounds. Accordingly, one of an ordinary skill in the art would have been able to prepare the claimed benzenediol compounds because Mills teaches tetrahydropyridine derivatives such as dihydroxybenzyl derivatives (col. 3, lines 17-36) and instant claims recite that R1 and R2 together can form a ring of C5 atoms i.e., pyridine.

Claims 1, 2 and 5 -9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,888,283 to Bertini et al (Bertini).

Bertini teaches compounds that act as inhibitors of benzylamine oxidase, which have the general formula I (col. 3) in which the variables R1 and R2 can be hydrogen, hydroxyl or alkoxyl etc, variables R3, R4 and R5 are hydrogen or alkyl etc. Thus, it is possible that any two of R1-R5 were to be hydroxyl groups, thus resulting in a benzene diol compounds. Particularly, Bertini

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suggests that for compounds of formula I containing hydroxyl groups at R1 and R2 positions, the synthesis steps comprise preparing benzaldehyde from benzene, transforming the benzaldehyde to oximes and reducing finally to benzylamino compounds (col. 4, lines 1-25 and example 1). Thus, Bertini teaches preparing compounds with alkoxy groups on the ring instead of the claimed hydroxyl groups. However, Bertini teaches a general method of preparing compounds with OH groups and even the claimed compounds differ from that taught by Bertini (example 1 compound) only in the absence of alkoxy groups, it would have been obvious for one of an ordinary skill in the art at the time of the instant invention to prepare the OH containing benzene derivatives of formula I employing the synthesis steps preparing benzaldehyde, transforming to oximes and reducing to benzylamino compounds because Bertini suggests that preparing the compounds by the above process is advantageous and easily carried out.

Applicants' arguments with respect to the rejection of claims 3 and 5-9 are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lakshmi S Channavajjala whose telephone number is 571-272-0591. The examiner can normally be reached on 7.30 AM -4.00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K Page can be reached on 571-272-0602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lakshmi S Channavajjala
Examiner
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August 16, 2004